

*Pursuant to A.R.S § 38,431.02, notice is hereby given to the members of the Yuma City Council and to the general public that the Yuma City Council will hold a meeting open to the public on December 2, 2009 at 5:30 p.m. in the City Hall Council Chambers, One City Plaza, Yuma, Arizona. The purpose of the meeting is to take action on the agenda items and to ratify Resolution R2009-88, as amended. The amended November 18, 2009 Regular City Council meeting agenda, containing Resolution R2009-88, was not posted on the City's posting board located outside City Hall. The public may obtain a detailed written description of the resolution to be ratified (Resolution R2009-88, as amended) at the City Clerk's Office, City Hall, One City Plaza, Yuma, Arizona.*

*Printed: November 25, 2009*



**City of YUMA**

**CITY OF YUMA  
REGULAR CITY COUNCIL MEETING **SUMMARY**  
COUNCIL CHAMBERS – YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
WEDNESDAY, DECEMBER 02, 2009  
5:30 P.M.**

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**CALL TO ORDER**

**5:00 PM**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**FINAL CALL** for submission of Speaker Request Forms

**PRESENTATIONS**

**COMMUNICATIONS / FACTUAL RESPONSES**

**INFORMATIONAL  
UPDATE**

This is the City Administrator's opportunity to clarify facts regarding statements circulating in the Yuma community in recent weeks concerning City issues and projects. The City Administrator's comments are intended to be informational only and no discussions, deliberations or decisions will occur on this item.

## **I. CALL TO THE PUBLIC**

**NO LEGAL ACTION  
PERMITTED**

Members of the public may address the City Council on matters that are not listed on the City Council agenda. The City Council cannot discuss or take legal action on any matter raised unless it is properly noticed for discussion and legal action. At the conclusion of the Call to the Public, individual members of the City Council may respond to criticism made by those who have addressed the City Council, may ask staff to review a matter or may ask that a matter be placed on a future agenda. All City Council meetings are recorded and videotaped.

## **II. MOTION CONSENT AGENDA**

All items listed on the Motion Consent Agenda will be considered and enacted with one motion. There will be no separate discussion of these items unless a Councilmember so requests. In which event, the item will be removed from the Motion Consent Agenda and the vote or action will be taken separately.

### **A. Approval of minutes of the following City Council meeting(s):**

- |                 |                                 |                  |
|-----------------|---------------------------------|------------------|
| <b>APPROVED</b> | 1. Regular Worksession          | October 6, 2009  |
| <b>APPROVED</b> | 2. Regular City Council Meeting | October 21, 2009 |
| <b>APPROVED</b> | 3. Special Worksession          | November 3, 2009 |
| <b>APPROVED</b> | 4. Regular City Council Meeting | November 4, 2009 |

### **B. Approval of Staff Recommendations:**

#### **Page Item**

1. Executive Sessions may be held at the next regularly scheduled Special Worksession, Regular Worksession and City Council Meeting for personnel, legal, litigation and real estate matters pursuant to A.R.S. § 38-431.03 Section A (1), (3), (4), and (7). (City Attorney)

#### **APPROVED 2. Liquor License: Jack & Rosie's**

Approve a #6 Bar (Person Transfer/Interim Permit) Liquor License application submitted by Julie Ann Zapata, agent for Jack & Rosie's, 1551 W. 5th Street, Yuma, Arizona. (LL09-20) (City Administration/City Clerk)

**APPROVED 3. Liquor License: Da Boyz Italian Cuisine**

Approve a #12 Restaurant (New License) Liquor License application submitted by Christine Adella Gapp, agent for Da Boyz Italian Cuisine, 284 S. Main Street, 1st floor, Yuma, Arizona. (LL09-21) (City Administration/City Clerk)

**APPROVED 4. Request for Qualifications (RFQ): Professional Property and Right-of-Way Acquisition Services**

Authorize staff to negotiate and execute a one-year contract with the option to renew for four additional one-year periods, one year at a time, depending on the appropriation of funds and satisfactory performance, for Professional Property and Right-of-Way Acquisition Services on a Delivery Order Basis with the following firms:

- |                                 |                     |
|---------------------------------|---------------------|
| 1. O. R. Colan and Associates   | Scottsdale, Arizona |
| 2. Universal Field Services Inc | Phoenix, Arizona    |

(City Engineering Department - RFQ #2010000172)

**APPROVED 5. Intergovernmental Agreement: Yuma Union High School District #70**

Authorize the City Administrator to execute an Intergovernmental Agreement with Yuma Union High School District #70 for joint facility use. (Parks & Recreation/ Recreation)

**APPROVED 6. Agreement: Arizona Department of Homeland Security - Operation Stonegarden, Overtime & Mileage**

Authorize City staff to enter into an agreement with the Arizona Department of Homeland Security for reimbursement of funds expended for overtime and mileage, in the amount of \$616,000.00 for activities in support of Operation Stonegarden. (Police/Administration)

**APPROVED 7. Agreement: Arizona Department of Homeland Security - Operation Stonegarden, Equipment**

Authorize City staff to enter into an agreement with the Arizona Department of Homeland Security for reimbursement of funds expended for the purchase of equipment, in the amount of \$647,555.00, in support of Operation Stonegarden. (Police/Administration)

**APPROVED 8. Agreement: Arizona Department of Homeland Security - Operation Stonegarden, Supplemental Equipment**

Authorize City staff to enter into an agreement with the Arizona Department of Homeland Security for reimbursement of funds expended for the purchase of supplemental equipment, in the amount of \$376,153.00, in support of Operation Stonegarden. (Police/Administration)

**SUGGESTED MOTION: To approve the MOTION CONSENT AGENDA as recommended:**

M/\_\_\_\_\_ S/\_\_\_\_\_ VV/\_\_\_\_\_

**III. RESOLUTION CONSENT AGENDA**

All items listed on the Resolution Consent Agenda will be considered and enacted with one motion. There will be no separate discussion of these items unless a City Councilmember so requests or a Speaker Request Form has been submitted. In which event, the item will be removed from the Resolution Consent Agenda and the vote or action will be taken separately.

**RATIFIED A. RATIFICATION OF ACTION: Resolution R2009-88 Intergovernmental Agreement: Arizona Department of Transportation - Area Service Highway**

Ratify direction to the City Administrator to proceed with an amendment to the 1999 Intergovernmental Agreement (IGA) with the Arizona Department of Transportation for the Area Service Highway (ASH) removing Section II. 6. from the IGA which designates Araby Road (Avenue 6 1/2 E) as a State Route. (City Administration)

*Ratification of Resolution R2009-88, as listed on the amended Regular City Council Meeting agenda for November 18, 2009. The amended agenda was not posted on the City's posting board located outside City Hall. The public may obtain a detailed written description of the resolution to be ratified (Resolution R2009-88, as amended) at the City Clerk's Office, City Hall, One City Plaza, Yuma, Arizona.*

**ADOPTED B. Resolution R2009-89 Housing Authority of the City of Yuma**

Confirm and amend the powers of the Housing Authority of the City of Yuma (HACY) and repeal Resolution No. 1908. (City Attorney)

**ADOPTED C. Resolution R2009-90 Grant Application: Arizona Department of Housing (ADOH) for State Housing Rehabilitation Funds**

Authorize the submission of a grant application to the Arizona Department of Housing (ADOH) for State Housing Rehabilitation Funds in the amount of \$300,000, and authorize the City Administrator to execute the contract documents associated with the grant. (City Administration/Economic Development)

**SUGGESTED MOTION: To adopt the RESOLUTION CONSENT AGENDA as recommended:**

M/\_\_\_\_\_ S/\_\_\_\_\_ RV/\_\_\_\_\_

**IV. ADOPTION OF ORDINANCES CONSENT AGENDA**

All items listed on the Ordinances Consent Agenda will be considered and enacted with one motion. There will be no separate discussion of these items unless a City Councilmember so requests or a Speaker Request Form has been submitted. In which event, the item will be removed from the Ordinance Consent Agenda and the vote or action will be taken separately.

**WITHDRAWN FROM AGENDA A. Ordinance O2009-64 Annexation Area No. A2009-03: Avenue 9 1/2 E and 32nd Street**

Authorize annexation and designation of zoning of unincorporated territory located in the vicinity of Avenue 9 1/2 E and 32nd Street. (City Administration/Economic Development)

**WITHDRAWN FROM AGENDA B. Ordinance O2009-67 Annexation Area No. A2009-13: East Mesa at Avenue 9E**

Authorize annexation and designation of zoning of unincorporated territory located on the East Mesa south of 32nd Street at Avenue 9E. (City Administration/ Economic Development)

**ADOPTED C. Ordinance O2009-68 Rezoning of Property located at 1549 E. 72nd Street, also known as 1685 E. Co. 16th Street**

Rezone a 20.03-acre parcel from the Agriculture (AG) District to the Suburban Ranch (SR-2) District. The applicant is the City of Yuma, on behalf of the Robert and Marilyn Dance Trust 6-24-97. (Z2009-013). (Community Development/ Community Planning)

**SUGGESTED MOTION: To adopt the ORDINANCES CONSENT AGENDA as recommended:**

M/ \_\_\_\_\_ S/ \_\_\_\_\_ RV/ \_\_\_\_\_

**V. INTRODUCTION OF ORDINANCES**

The following ordinance(s) is presented to the City Council for introduction. No vote or action by the City Council is necessary. However, the City Council may, at its option, vote or take action where appropriate. Ordinances given introduction are generally presented to the City Council for adoption at the next Regular City Council meeting.

**INTRODUCED A. Ordinance O2009-69 Exchange and Acquisition of Real Property: Yuma Art Center Expansion**

Authorize staff to exchange and acquire property for expansion of the Yuma Art Center (CIP No. 2.0702) (City Engineering/Administration)

**VI. PUBLIC HEARINGS & RELATED ACTIONS**

*There are no Public Hearings scheduled at this time.*

**VII. LOCAL PREFERENCE IN AWARDING PUBLIC BIDS**

**DISCUSSED** City Council discussion, deliberation and possible direction to City staff regarding local preference in awarding public bids and possible future amendments to the Yuma City Charter, Article XII, Contracts and Competitive Bidding, Section 2. Local preference.

## VIII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

1. Appointment to boards, commissions, committees and offices:

- Arts and Culture Commission: three terms to expire 11/12/2012 **Mary Haynes**
- Census 2010 Complete Count Committee **Rogelia and Emma Torres**
- Clean and Beautiful Commission: three terms to expire 12/11/2012 **Rose Gundy**
- Merit System Board: one term to expire 01/15/2012
- Residential Advisory & Appeals Board: two partial (one citizen and one Plumbing Contractor) terms to expire 09/01/2011
- Water and Sewer Commission: one partial term to expire 07/06/2013

**APPOINTMENTS  
MADE –  
REMAINING  
VACANCIES  
OPEN**

2. Announcements:

- City Council report on meetings/events attended – City Council report on issues discussed in meetings/events attended by a City Council representative in their official capacity as the City's representative during the period of November 18, 2009 through December 2, 2009. City Council questions regarding the update must be limited solely for clarification purposes. If further discussion is warranted, the issue will be added to a future agenda for a detailed briefing.
- City Council report of upcoming meetings.
- City Council request for agenda items to be placed on future agendas.

**REPORTED**

3. Scheduling: Motion to schedule future City Council meetings pursuant to Arizona Revised Statutes Section 38-431.02 and the Yuma City Code, Chapter 30.

## IX. SUMMARY OF CURRENT EVENTS - NONE

**NO  
INFORMATIONAL  
UPDATE**

This is the City Administrator's opportunity to give notice to the City Council of current events impacting the City. Comments are intended to be informational only and no discussion, deliberation or decision will occur on this item.

**X. EXECUTIVE SESSION**

**EXECUTIVE  
SESSION NOT  
HELD**

An Executive Session may be held during this meeting to discuss pending Legal/Personnel/Real Estate matters. An Agenda will be posted 24 hours in advance.

**ADJOURNMENT 7:46 pm**

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 the City of Yuma does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of Yuma Human Resources Department, One City Plaza, PO Box 13012, Yuma, Arizona 85366-3012; (928) 373-5125 or TTY (928) 373-5149.